

STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION  
DOCKET NO. 2017-351-E

IN RE:	)	
	)	
Newberry Solar I, LLC,	)	
	)	
Complainant,	)	PETITION TO INTERVENE
	)	
v.	)	
	)	
Duke Energy Carolinas, LLC,	)	
	)	
Defendant.	)	
	)	

Birdseye Renewable Energy, LLC (“Birdseye”) hereby petitions the Public Service Commission of South Carolina (“Commission”) to intervene in the above-captioned docket pursuant to R. 103-825(A)(3) of the Commission’s rules. In support of this petition, Petitioner states as follows:

1. Birdseye Renewable Energy, LLC is a renewable energy developer based in Charlotte, NC that currently has approximately 200 megawatts of solar projects under development in South Carolina.
2. On November 30, 2017, Complainant Newberry Solar I, LLC (“Newberry”) initiated the above-captioned proceeding by filing a complaint ( the “Complaint”) against Defendant Duke Energy Carolinas, LLC (“Duke”). In the Complaint, Newberry asserts, *inter alia*, that Duke’s actions violated the South Carolina Generator Interconnection Procedures for State-Jurisdictional Generator Interconnections (“the Interconnection Standards”), which were approved by the Commission, and that such violation caused Newberry’s queue position for its

solar project to be incorrectly established.<sup>1</sup> Newberry further avers that as a consequence of Duke's alleged violation of the Interconnection Standards, that another project was allowed to impermissibly "jump the line" in front of Newberry's solar project.<sup>2</sup>

3. On January 5, 2018, the Commission issued Order No. 2018-4-H, stating that "Counsel for Duke Energy Carolinas, LLC requests that the procedural deadlines in this proceeding be held in abeyance. According to the request document, the complainant and Duke Energy Carolinas, LLC have reached an agreement in principle that would allow the Complainant to withdraw the Complaint. The Answer is presently due in the case on January 8, 2018. Duke Energy Carolinas, LLC therefore requests that the procedural deadlines in this proceeding be held in abeyance to allow the parties to memorialize the agreement and to allow the Complainant to subsequently withdraw the Complaint. Under the circumstances, the request is reasonable. Therefore, all procedural deadlines in this proceeding are hereby held in abeyance."

4. On January 10, 2018, Birdseye was informed by Duke via email that Duke would need to redo a system impact study previously conducted on one of Birdseye's solar projects due to the fact that a previous queue request had not been recognized by Duke. Birdseye was not a Party in the above-captioned proceeding and it had not received any formal notice of what had occurred in this proceeding, including the issuance of Order No. 2018-4-H. However, Birdseye now believes that the project that Duke allowed to allegedly impermissibly "jump" in front of Newberry's solar project at issue in this proceeding was one of Birdseye's solar projects.

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<sup>1</sup> See *e.g.* Complaint at 6.

<sup>2</sup> See *e.g. id.* at 5.

5. On January 11, 2018, counsel for Newberry submitted a letter confirming that Duke and Newberry had reached settlement on the issues raised in the Complaint and requested that the above-captioned proceeding be closed with prejudice, and that Duke's counsel consented to this confirmation.

6. Given that the issues raised in the above-captioned proceeding, including settlement thereof, will certainly impact the status of Birdseye's solar projects, Birdseye should be allowed to represent its interests in the above-captioned proceeding.

7. Birdseye is represented by the following Counsel in this proceeding:

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WHEREFORE, Birdseye prays that it will be allowed to intervene in this matter.

Respectfully submitted this 11<sup>th</sup> day of January, 2018

NELSON MULLINS RILEY & SCARBOROUGH, LLP

By: 

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Complainant,	)	CERTIFICATE OF
	)	SERVICE
v.	)	
	)	
Duke Energy Carolinas, LLC,	)	
	)	
Defendant.	)	
	)	

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I hereby certify that on January 11, 2018, I served a copy of the Annual Report by electronic mail to the following individuals:

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s/ Jeremy C. Hodges

Columbia, South Carolina  
January 11, 2018